IN THE CLAIMS

Please cancel Claims 9, 21-31 without prejudice and without disclaimer of subject matter.

Please amend Claims 1-8, 10, 17, 20 and 32, and add new Claims 33-36 as follows:

1. (Currently Amended) An expandable device for use within a cranium having an inner surface and intracranial contents ~~thermally affecting tissue~~, the expandable device comprising:

~~a fluid conduit having a longitudinal axis; and~~

an expandable element positionable proximate the inner surface of the cranium, the expandable element being expandable from an unexpanded state to an expanded state, the expandable element having an expanded state height and including:

~~a wall defining an inner volume, the wall having~~ a tissue contact region, the tissue contact region ~~being non-coaxial with the longitudinal axis of the fluid conduit, the tissue contact region being operable to have a first contact surface area and a second contact surface area, the second contact surface area being larger than the first contact surface area~~ having a width when the expandable element is expanded that is greater than the expanded state height of the expandable element.

2. (Currently Amended) The device according to claim 1, ~~wherein the~~ further comprising a fluid ~~conduit is a flexible catheter~~ source in fluid communication with the expandable element, the fluid source providing fluid to expand the expandable element.

3. (Currently Amended) The device according to claim 1, wherein the expandable ~~member~~ element is a balloon.

4. (Currently Amended) The device according to claim 1, wherein the ~~expandable element~~ tissue contact region has a non-circular shape.

5. (Currently Amended) The device according to claim 1, wherein the ~~wall is arranged to define~~ tissue contact region has a substantially circular shape.

6. (Currently Amended) The device according to claim 1, wherein the ~~wall is arranged to define~~ expandable element has a spider-like shape.

7. (Currently Amended) The device according to claim 1, further comprising a fluid conduit in fluid communication with the expandable element, wherein the fluid conduit is comprised of:

an inlet conduit, the inlet conduit providing a path for thermally transmissive fluid ~~from the fluid source to~~ into the expandable member; and

an outlet conduit, the outlet conduit providing a path for the thermally transmissive fluid ~~from~~ out of the expandable member ~~to the fluid source,~~

~~wherein the fluid source, the fluid supply conduit and the expandable element define a circulation circuit~~.

8. (Currently Amended) The device according to claim 1, further comprising a fluid distribution member provided within ~~the interior volume of~~ the expandable member.

9. CANCELLED

10. (Currently Amended) The device according to claim 8, wherein the fluid distribution member is an injection member, the injection member having an opening defining a fluid communication path between the fluid conduit and the ~~interior volume~~ expandable-element.

11. (Original) The device according to claim 10, wherein a plurality of injection members each have a length different from at least one other injection member.

12. (Original) The device according to claim 10, wherein a plurality of injection members each have a length equal to each other injection member.

13. (Currently Amended) The device according to claim [[1]] 7, wherein the fluid conduit includes a longitudinal axis there through, wherein the tissue contact region is aligned substantially ~~parallel~~ perpendicular to the longitudinal axis of the fluid conduit.

14. (Original) The device according to claim 10, wherein the injection member is comprised of a plurality of arms.

15. (Original) The device according to claim 10, further comprising a junction provided at an end portion of the fluid conduit, the junction forming a fluid tight seal between the injection member and the fluid conduit.

16. (Original) The device according to claim 15, wherein the junction is a resilient material.

17. (Currently Amended) The device according to claim 1, further comprising an accessory conduit, the accessory conduit being in communication with ~~the~~ an inner volume of the expandable element.

18. (Original) The device according to claim 1, further comprising a temperature sensor configured to detect temperature of a tissue to be treated.

19. (Original) The device of claim 1, wherein the expandable member is comprised of a resilient material.

20. (Currently Amended) The device of claim 1, wherein the ~~wall~~ expandable element is comprised of a top and a bottom opposite the top, ~~a height of the expandable element being measured from the top of the expandable element to the bottom of the expandable element~~, wherein the expandable element has a deployed diameter to expanded height ratio of approximately 1-to-1 to approximately 2-to-1, the deployed diameter being measured at a widest part of the ~~wall~~ expandable element when the device is in a deployed state.

21-31. CANCELLED

32. (Currently Amended) A method of using an expandable element within a cranium having an inner surface and intracranial contents ~~to affect a thermal energy change in tissue of a patent's body~~, the method comprising:

creating an opening in the patient's ~~body~~ cranium;

inserting at least a portion of the expandable element into the opening and into a region between the cranium inner surface and the intracranial contents ~~an outer barrier of the patent's body and the tissue~~, the expandable element being expandable from an unexpanded state to an expanded state, the expandable element having an expanded state height and including a tissue contact region, the tissue contact region having a width when the expandable element is expanded that is greater than the expanded state height of the expandable element ~~being in fluid communication with a fluid conduit, the expandable element having a tissue contact region, the tissue contact region being non-coaxial with a longitudinal axis of the fluid conduit, the tissue contact region being operable to have a first contact surface area and a second contact surface area, the second contact surface area being larger than the first contact surface area;~~

~~operating the tissue contact region to the second contact surface area; and~~

~~infusing a thermally transmissive fluid into the expandable element~~ inflating the expandable element to locate the tissue contact region proximate the intracranial contents.

33. (New) The method of claim 32, wherein the cranial opening is a bur hole.

34. (New) The method of claim 32, wherein the expandable element is inflated by infusing a thermally transmissive fluid into the expandable element.

35. (New) The method of claim 32, wherein inflating the expandable element separates the dura mater from the cranium to create an epidural pocket.

36. (New) The method of claim 34, further comprising cooling a localized portion of the intracranial tissue.